

REMARKS

The specification has been amended to update the status or cross-reference related applications. The claims are directed to particular embodiments of the present invention. This Amendment is supported by the specification and original claims. No new matter has been added.

The application is considered in good and proper form for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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PATENT

Attorney Docket No. 209391/B&S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LEIDNER et al.

Application No.: Continuation of 09/388,181

Art Unit: Unassigned

Filed: Herewith

Examiner: Unassigned

For: ERASABLE
COLORED PENCIL
LEAD

SPECIFICATION AND CLAIMS AS PRELIMINARILY AMENDED

Amendments to the paragraph beginning at page 1, line 4:

This is a continuation of co-pending U.S. patent application No. 09/338,181, filed June 22, 1999, which is a continuation-in-part of co-pending U.S. patent application Serial No. 09/197,283, filed on November 20, 1998, which in turn is a continuation-in-part of co-pending U.S. patent application Serial No. 09/105,704, filed June 26, 1998, now U.S. Patent No. 6,011,084, issued January 4, 2000. The disclosures of the '181, '283 and '704 applications are incorporated herein in their entireties by reference.

Amendments to existing claims:

1. (Amended) An erasable colored pencil lead composition comprising a colorant, one or more binder resins, a fibrillatable or fibrillated material, an antioxidant, and a filler, wherein said composition is substantially free of low melting waxes or waxy materials having a melting or softening point of about 90°C or below.

4. (Amended) The erasable colored pencil lead composition of claim 2-1, wherein said low melting waxes or ~~wax-like~~ waxy materials have a needle penetration hardness value of 5 units or above.

5. (Amended) The erasable colored pencil lead composition of claim 2-1, wherein said binder resin is a polyolefin.

11. (Amended) The erasable colored pencil lead composition of claim 1, ~~further includes including~~ a lubricant.

13. (Amended) The erasable colored pencil lead composition of claim 12, wherein said non-particulate lubricant forms a separate domain from the binder resin.

14. (Amended) The erasable colored pencil lead composition of claim 13, wherein said non-particulate lubricant is a polar material.

22. (Amended) A method for using an erasable colored pencil lead composition on a surface to be marked, the method comprising:

- (a) providing an erasable colored pencil lead composition which is capable of forming a cohesive layer of the composition when applied to the surface as a mark;
- (b) providing the surface; and
- (c) applying the lead to the surface to create a mark ~~that forms a cohesive layer of said colored pencil lead composition.~~

23. (Amended) The method of claim 22, wherein said erasable colored pencil lead composition comprises a colorant, one or more binder resins, a fibrillatable or fibrillated material, and a filler.

24. (Amended) The method of claim 23, wherein said erasable colored pencil lead composition ~~further~~ includes a lubricant.

33. (Amended) The method of claim 23, wherein said erasable colored pencil lead composition includes an antioxidant.

34. (Amended) The method of claim 22, wherein said erasable colored pencil lead composition is substantially free of low melting waxes or ~~wax-like~~ waxy materials having a melting or softening point of about 90°C or below.